



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,275	09/07/2004	Steven M. Eldersveld	71348-0019	5274

20915 7590 02/16/2005
MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS, MI 49503

EXAMINER

TRETTEL, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

3673

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,275

Applicant(s)

ELDERSVELD, STEVEN M.

Examiner

Michael Trettel

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/14/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-21 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6 to 8, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallen (US 2,671,910). Wallen shows a headboard assembly 6 for a bedframe that can be made from a bent panel 7 of sheet metal. The top and bottom edges of the panel 7 can be bent into channels 8 and 9, as is shown in Figure 3. the side edges of the panel 7 can be bent to form flanges 10 that receive tubular leg members 12 welded into place, in a second embodiment shown in Figure 6 the flanges 10 can include a fourth side 16 that forms a closed channel along the side edges of the panel 7. This forms a pair of vertical channels along the side edges which serve as posts for the headboard, and which are also integrally formed from the same sheet of material used to form the flat panel extending between the channels. Legs 13 with a projection 14 as shown in Figure 2 can be received within the channels of the posts, with the legs acting as bedpost units for the headboard.

Claims 1, 6, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nockles (US 6,637,052). Nockles shows a wooden bedframe that includes a headboard 1 and footboard 2 made from a unitary flat panel of wood. The headboard and footboard are identical

Art Unit: 3673

in construction and include unitary legs or posts 25, 26 that extend from an upper edge 22 of the panel. The flat area between the side edges 23, 24 of the panel forms a cross support extending between the posts of legs, and can be considered as having a stylized shape. Side rails 3, 4 extend between the headboard and footboard and form a support for a slat system 6 used to support a mattress.

Claims 9 to 11, 13, 14, 17 to 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Weinhart et al (US 3,961,381). Weinhart shows a bedframe assembly that comprises a head board 12 and footboard 14 which are attached to one another by a pair of siderails 16. Each siderail is a one piece construction formed by cutting and bending a blank piece of metal bar stock. The ends of the metal stock are cut to form a pair of hooks 30, 32 that can be used for the attachment to the headboard and/or footboard, with the intermediate section of the metal blank being bent along a line 34. This forms a vertical flange 42 and horizontal flange 44, with the vertical flange forming an upwardly extending lip and the horizontal flange comprising a support ledge extending from a bottom edge of the lip. Hole 64 are formed in the flanges 44 for attachment of a sold wire reinforcing member 60, note that claim 11 does not state what the number of holes is. The rail ends 20 as shown in Figure 4 include a reinforcing flange 56, with the rail ends forming a gusset that extends above the horizontal flange 44. The headboards and footboard 12, 14 are shown as being formed by a solid flat panel of material, with a pair of legs extending downwardly from an upper panel section.

Art Unit: 3673

Claims 9, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris (US 3,914,810). Harris shows a bed frame member 11 for use in a bed frame 10 that is of particular interest. The frame member 11 is formed from a single piece of stamped metal and includes a horizontal support flange or leg 24 that extends between a vertical flange 32 and a lower substantially vertical lower leg 30. Leg 30 includes offset or curved portions 34, 38, and 40 that form a reinforcing flange for the frame member 11. The support flange 32 serves as an outer lip for the frame member, and acts as a stop for the edge of a boxspring placed upon the horizontal member 24. Note that the overall height of the lip 32 is less than 50% of the overall height of the frame member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nockles (US 6,637,052). The examiner notes that it is extremely well known in the furniture art to use plywood as a construction material, and in particular to use a high density birch plywood material because of the ease of work and pleasing finished appearance of the material. Because of this it would have been obvious to the skilled artisan to have used a plywood material, such as high density birch plywood, as the material used to make the components of the Nockles bedframe.

Claims 14, 16 to 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 3,914,810) in view of Weinhart et al (US 3,961,381). The bedframe shown by Harris does not include any headboard or footboard assembly. Weinhart et al teaches that it is well known in the bedframe art to attach a one piece headboard and/or footboard to a bedframe that uses one piece type siderails, by extending the end of the siderails into a hook configuration that engages complementary slots in the headboard/footboard. It would have been obvious to the skilled artisan to have attached a headboard and/or footboard to the Harris bedframe in the fashion taught by Weinhart. The motivation would have been to provide the decorative effect of a headboard/footboard combination upon the bedframe.

Allowable Subject Matter

Claims 3 to 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

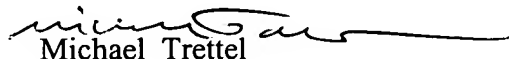
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fredman and Harris (US 4,169,294) show one piece bedframe siderails which are of particular interest. Lenger and Rothman show bed headboards which are of only general interest.

Art Unit: 3673

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Michael Trettel
Primary Examiner
Art Unit 3673